

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8, 9-11, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nykanen (U.S. 2003/0133554) in view of Humphrey (U.S. 2004/0003039).

As per claim 1, Nykanen teaches an API for provisioning services, comprising: discovery transactions that allow an adapter software component to retrieve information regarding services available to a client device from a provisioning application, wherein one of said services comprises a plurality of content files capable of being installed on the client device (paragraphs 0010, 0011, 0013, 0034); subscription transactions that allow an adapter software component to manage content in service directories, wherein one of said service directories comprises a plurality of said services (0036, 0039, 0040, 0042, 0045); and delivery transactions that allow said adapter to facilitate downloading of data related to said services to the client device (0024, 0045). Nykanen does not specifically teach the delivery transaction including an update transaction. Humphrey teaches delivery transactions to facilitate downloading of data related to services to the client device, with the delivery transactions including an update

transaction that allows the obtaining of a provisioning update comprising a list of said services that should be installed on the client device, and a notification transaction that allows the provisioning application to request to perform said update transaction (paragraphs 0007, 0024, 0038, 0055, 0060, 0064, 0068). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability to update services in a system that allows for service provisioning, as taught by Humphrey in the system of Nykanen. The motivation for doing so lies in the fact that service provisioning systems must necessarily use the latest services, which would therefore require an updating mechanism, such that the latest services are available. Further, the concept of updating services in response to new services being available is very well known in the art of service provisioning, with system updates for desktop PCs being an example. As such, the inclusion of this teaching would have been obvious to one of ordinary skill in the art at the time of the invention.

As per claim 2, Nykanen-Humphrey further teaches that the discovery transactions include a service directory transaction that allows said adapter to obtain information regarding said one of said services (Nykanen: 0013).

As per claim 3, Nykanen-Humphrey further teaches that the discovery transactions include a service directory discovery transaction that allows said adapter to obtain information regarding a desired service directory (Nykanen: 0045).

As per claim 8, Nykanen-Humphrey further teaches that the delivery transactions include a delivery transaction that allows an adapter to obtain a link to data, the link facilitating downloading of the data (Nykanen: 0045).

Claims 9-11, 16, and 18 are rejected under Nykanen-Humphrey on the same bases as claims 1-3, as the instant claims disclose limitations similar to those of the previous claims.

As per claim 17, Nykanen-Humphrey teaches a system for provisioning services, comprising: a provisioning server executing a provisioning application; an adapter software component (Nykanen: 0036, 0039, 0040, 0042, 0045; Humphrey: 0007, 0024, 0038, 0055, 0060, 0064, 0068); and a provisioning API in communication with the provisioning application and said adapter software component, the provisioning API comprising: discovery transactions that allow an adapter software component to retrieve information regarding services available to a client device from a provisioning application, wherein a service comprises a plurality of content files capable of being installed on the client device (Nykanen: 0036, 0039, 0040, 0042, 0045; Humphrey: 0007, 0024, 0038, 0055, 0060, 0064, 0068); subscription transactions that allow an adapter software component to manage content in service directories, wherein a service directory comprises a plurality of services (Nykanen: 0036, 0039, 0040, 0042, 0045; Humphrey: 0007, 0024, 0038, 0055, 0060, 0064, 0068); and delivery transactions that allow an adapter to facilitate downloading of data related services to the client device, with the delivery transactions including an update transaction that allows said adapter to obtain a provisioning update comprising a list of services that should be installed on the client device, the delivery transactions further including a notification transaction that allows the provisioning application to request an adapter to perform an update transaction, and wherein the delivery transactions further include a delivery transaction that allows said adapter to obtain a link to data, the link facilitating downloading of the data (Nykanen: 0036, 0039, 0040, 0042, 0045; Humphrey: 0007, 0024, 0038, 0055, 0060, 0064, 0068).

Claims 4, 5, 12, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nykanen-Humphrey in view of Dobbins (U.S. 2002/0066033).

As per claim 4, Nykanen-Humphrey teaches the use of subscription transactions, but does not specifically teach that the transactions include a service subscription that allows a service to be added to a service directory. Dobbins teaches the use of a subscription transaction in which a service is added to a service directory (paragraphs 0097, 0100, 0101). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ability for subscribers to add and remove services from the directories they access, as taught by Dobbins in the system of Nykanen, given that this concept is well known in the art of service provisioning. Further, the motivation to combine teachings lies in the fact that enabling subscribers to add and remove services as needed further adds to the efficiency of the invention, such that the clients will receive services they desire.

As per claim 5, Nykanen-Humphrey-Dobbins further teaches that the subscription transactions include an unsubscribe transaction that allows one of said services to be removed from said desired service directory (Dobbins: 0097, 0100, 0101).

Claims 12, 13, and 19 are rejected under Nykanen-Humphrey-Dobbins on the same bases as claims 4 and 5, as the instant claims disclose limitation similar to those of the previous claims.

Response to Arguments

Applicant's arguments filed on December 19, 2007 have fully been considered, but are not persuasive.

a. Applicant's asserts that Nykanen's and Humphrey's systems are not obvious to combine. Examiner respectfully disagrees. It is well known in the art of client-server communications that in a peer-to-peer system, a peer computer can behave as a server to provide services or files, for example. The functionality is the same as a client-server relationship. A server provides services to a client in a classic client-server system, whereas in a peer-to-peer system, a peer computer provides services to a client while behaving as a server. As such, to combine the concept of updating services as taught in Humphrey into the system of Nykanen would have been obvious to one of ordinary skill in the art at the time of the invention, since it is well known that any service provided by a computer peer may also be provided by a centralized server, for example. That is, in a peer-to-peer system, a computer peer may take on the responsibility of a centralized server, for example. As a result, to employ the concept of updating services as taught by Humphrey's peer(s) into Nykanen's centralized server(s) would have been obvious to one of ordinary skill in the art at the time of the invention. Providing services is simply the basis of client-server communication, and to employ this in any computer-to-computer configuration would have been obvious to one of ordinary skill in the art, and there would exist a reasonable expectation of success, as required.

b. Applicant asserts that "there are many ways of updating devices..." Examiner agrees with this statement, and as such, a person of ordinary skill in the art would employ at least one of these well-known ways to update the devices in question. The concept of updating is ubiquitous in the art of service provisioning, and Humphrey discloses one such example. As such, the updating transactions are fully taught by Humphrey, which fulfills the obviousness requirement,

and in addition, such updates are generally well known in the art, with Humphrey serving as one such example.

c. Regarding the limitation of the content files being installed onto the client device, Nykanen suggests this concept with respect to the provisioning of services. Provided services allow for installing or downloading files. An example of this is the downloading of cellular telephone services, or music files through a cellular service provider. This example constitutes the limitation of content files being installed onto the device. Nevertheless, Humphrey specifically teaches that “a plurality of content files are capable of being installed on the client device,” in paragraphs 0007 and 0024, for example. Figure 6 also discloses the downloading of services onto the client device. Therefore, Nykanen-Humphrey fully teaches the limitation as claimed.

d. Applicant asserts that the update transaction limitations are not taught by Nykanen-Humphrey, since Humphrey discloses a peer-to-peer system incompatible with Nykanen's system. As discussed above, the concepts of Humphrey may obviously be combined with Nykanen. Therefore, the combined teachings of Nykanen-Humphrey fully teach the limitation of “update transactions” and every other limitation disclosed in claim 1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is (571)272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571/272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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